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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,352	05/24/2001	Masaru Sugano	010661	1126
38834 7590 08/05/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
HOSSAIN, FARZANA E				
ART UNIT		PAPER NUMBER		
2424				
NOTIFICATION DATE		DELIVERY MODE		
08/05/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

### Office Action Summary

**Application No.**

09/863,352

**Applicant(s)**

SUGANO ET AL.

**Examiner**

FARZANA HOSSAIN

**Art Unit**

2424

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10, 12-14, 16-19, 21-23 and 25-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10, 12-14, 16-19, 21-23 and 25-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notices of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to communications filed on 05/13/2009. Claims 1-9, 11, 15, 20 and 24 are cancelled. Claims 10, 12-14, 16-19, and 21-23, 25-35 and 37-57 have been previously presented. Claim 36 is amended.

### ***Response to Arguments***

2. Applicant's arguments, see page 15, filed May 13, 2009, with respect to the 101 rejection have been fully considered and are persuasive. The 101 rejection has been withdrawn.

3. Applicant's arguments filed 12/18/2008 have been fully considered but they are not persuasive.

Regarding Claims 10, 12-14, 16-19, 21-23 and 25-35, the applicant argues that the Examiner's response to the previously filed remarks are repeating what was in a previous Office Action (Page 17). The applicant argues that the proposed modification of Terasawa differs from the actual disclosure of Terasawa merely that it allows for the retention of the slide of still frames after changing a channel (Page 17). The applicant states that such a modification would be a system in which a user watches program A

presses a button which brings up a guide for 5 still frames from five other broadcast programs (programs B-F) and allows a user to highlight and select a program to change the channel and in the proposed modification allows a guide to remain on the screen (Page 17). The applicant argues that that the examiner did not actually answer these arguments (Page 18). The applicant maintains his previous arguments that the proposed combination does not disclose a bidirectional transition because it is still frame e C to program C and program C to still frame C (Page 19).

In response to the arguments, the examiner respectfully disagrees. The examiner explained the interpretation of the arguments in a previous interview (04/21/2008) in which the applicant asked this same question several times and the examiner responded to the question several times. The examiner understands that the applicant does not agree with the examiner's interpretation of the claims and that the applicant completely disagrees with the rejection. Nevertheless, the examiner maintains the rejection.

Terasawa discloses a user watching a program and viewing a guide which is illustrated by a five program data stream or slide (Column 16, lines 14-30, Column 6, lines 15-32, Figures 4-6) and a user can change the selected channel to a second channel with a program displayed on that channel via the slide (Column 16, lines 14-30, Column 6, lines 15-32, Figures 4-6). Therefore, Terasawa discloses a slide with a slide component or still frame which allows a user to select other channels displaying programs (Figures 4-6).

Gagnon discloses that a user is watching a program can view a displayed slide or channel tuning bar or guide is and the user can change the current video channel to a selected channel via the slide (Column 20, lines 34-54). Gagnon discloses that user can scroll the slide and select a second channel with a second program (Column 20, lines 34-67, Column 21, lines 1-5). Note: Gagnon discloses that a slide component or a currently tuned channel is a selection on the slide or channel tuning bar (Column 20, lines 30-45, Figure 2A).

The applicant's arguments, as to whether Program C is selected and whether it is viewed on the slide, are unclear. The modification made by the examiner when combining Gagnon to Terasawa is for a bidirectional transition:

The bidirectional transition is the guide or tuning bar allowing a user to select between two channels with programs while the guide remains displayed. Therefore, if a user selects program C and maintaining the guide to select another program i.e. programs A, B, D, E, F. Note: Terasawa discloses forming an audio/video slide comprising one or more slide components via the data stream (Figure 4, Figure 5, Figure 36, Figure 40, Column 6, lines 23-34). The examiner is unclear as to why the applicant believes that a bidirectional transition between *multiple* original audio/video programs and the slide components would require selecting still frame C to program C and program C to still frame C. The bidirectional transition is selecting between two or more programs via the slide or the guide. Therefore, the combination of Gagnon and Terasawa allows a user to select a program A (via the slide component) from a slide/bar

and then select program B from the slide (via the slide component). Please see rejection for all other elements of the claim.

Gagnon discloses that a user can transition between a program and the slide as the slide is still being displayed when the user selects a program and allows transitions in two opposite directions, one of which is selecting from the slide to another program and using the slide to return to the first program (Figure 2A, Column 3, lines 13-21).

4. Regarding Claims 36-57, the applicant states that at first the applicant was puzzled by the comments and contacted the Examiner in order to obtain greater clarification to come to the argument that an audio program is being interpreted to include a program on the subject of music (Pages 19-20). The applicant argues that music programs and music videos are not regarded as equivalent to sports events for the audio slide comprising slide components (Page 20). The applicant argues that the interpretation of a reduced temporal segment of an audio program for a still frame of a program about the subject of music is an unreasonable interpretation of the claim language (Page 20). The applicant also provides definitions of the word audio (Page 21). The applicant argues that a reduced temporal segment of an audio program must include sound and that an audio slide must include sound (Page 21). The applicant further argues that the specification discloses in the background audio and video data relates to MPEG-7 and that conventional slides do not allow browsing the audio portion of audiovisual data or the music data of audio only (Pages 21-22). The applicant

argues that the frames lack audio and that it would not have been obvious to add audio to still frame (Page 23).

In response to the arguments, the examiner respectfully considers the arguments. Based on the interview and the subsequent filing, using the broadest reasonable interpretation other programming such as sports programs could be considered as audio programs. Nevertheless, Terasawa discloses a music or audio program. The examiner would like to note that audio is defined as is of or relation to the broadcasting or reception of sound.

Therefore, a still frame is the reduced temporal segment of an audio program or a program related to of or relating to the broadcasting of sound. The applicant's argument that the segment and the audio slide must include sound is not persuasive. Terasawa discloses the reduced temporal segment of an audio program or a music program as a still frame is a reduced temporal segment.

The examiner would also like to note that the background of the specification may include more information relating to the invention. However, all information should be disclosed in the claim language as the Office rejects limitations with the broadest reasonable interpretations.

The cited paragraph in the applicant's specification:

Of the conventional feature descriptions about the audio and video data, in the slide summary description, even in the case of audio and video data, only the visual data is specified in the form of key frames or others. **For example, concerning the audio portion of audiovisual data, or the music data as data of audio only, nothing is specified about sequential description of the element corresponding to the key frame (for example, key audio clip).**

The specification states that nothing is specified about the sequential description of the element corresponding to the key frame. The applicants also disclose that it would not have been obvious to add audio to still frame from another program simultaneously displayed in a PIP format (Page 23). This argument is not persuasive as the examiner would need to search and/or consider this limitation in view of the current limitations and prior art.

The examiner repeats from the previous Office Action that Gagnon discloses audio programming (Column 23, lines 36-41). The limitation requires a reduced temporal segment corresponding to an audio program or a music program. The still frame of a music program would still meet the limitation of a reduced temporal segment.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10, 12-14, 16-19, 21-23 and 25-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa et al (US 6,147,714 and hereafter referred to as "Terasawa") in view of Gagnon et al (US 6,522,342 and hereafter referred to as "Gagnon").



Regarding claims 10 and 19, Terasawa discloses a method of describing summary data of at least one of audio data, video data and audiovisual data (hereinafter audio/video) (Figure 4), the method comprising:

Identifying multiple compressed or uncompressed original audio/video programs (Figure 4);

Identifying one or more slide components which are each a reduced temporal segment or single frames (Figure 4, Figure 36, Figure 40) from a corresponding one the multiple compressed or uncompressed audio/video contents programs with EPG information and the title bar (Figure 4, Figure 5);

Forming an audio/video slide comprising one or more slide components via the data stream (Figure 4, Figure 5, Figure 36, Figure 40, Column 6, lines 23-34);

Providing a textual description of the slide components as an external file such that the slide components are described sequentially (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40, Column 6, lines 23-34, Column 12, lines 64-67, Column 15, lines 35-39); wherein the description of the slide components includes a temporal description temporally describing each slide component including the time of the program and its corresponding original audio/video program and allowing for a transition between the multiple original audio/video programs and the slide components or the title bar includes information about the program and transition to more information of the programs and selecting the slide bar using the remote control (Figure 4, Column 6, lines 23-34, Figures 5-7),

Displaying the textual description of the slide components through the title bar or the EPG (Figure 5, Figure 7). Microsoft Press 3<sup>rd</sup> edition Computer Dictionary defines file as: a complete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information from another.

Terasawa is silent on wherein the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components. In analogous art, Gagnon discloses the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components or between each slide component a channel and video on the slider referencing multiple audio/video programs and the description to select a program from the slider or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 20, lines 34-67, Column 21, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terasawa to the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components (Column 20, lines 34-67, Column 21, lines 1-5) as taught by Gagnon in order to for the user to move more quickly and efficiently through the guide and for the user to more than one way to select a program to view (Figure 2a, Column 3, lines 13-21) as disclosed by Gagnon.

Regarding claims 36 and 43, Terasawa discloses a method of describing summary data of at least one of audio data (hereinafter audio/video) (Figure 4, Column 19, line 15), the method comprising:

Identifying multiple compressed or uncompressed original audio programs including music programs (Figure 4, Column 19, line 15);

Identifying one or more slide components which are each a reduced temporal segment or single frames (Figure 4, Figure 36, Figure 40) from a corresponding one the multiple compressed or uncompressed audio or music programs with EPG information and the title bar (Figure 4, Figure 5);

Forming an audio slide comprising one or more slide components via the data stream (Figure 4, Figure 5, Figure 36, Figure 40, Column 6, lines 23-34);

Providing a textual description of the slide components as an external file such that the slide components are described sequentially (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40, Column 6, lines 23-34, Column 12, lines 64-67, Column 15, lines 35-39); wherein the description of the slide components includes a temporal description temporally describing each slide component including the time of the program and its corresponding original audio program and allowing for a transition between the multiple original audio programs and the slide components or the title bar includes information about the program and transition to more information of the programs and selecting the slide bar using the remote control (Figure 4, Column 6, lines 23-34, Figures 5-7),

Displaying the textual description of the slide components through the title bar or the EPG (Figure 5, Figure 7). Microsoft Press 3<sup>rd</sup> edition Computer Dictionary defines

file as: a compete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information form another.

Terasawa is silent on wherein the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio programs and the slide components. In analogous art, Gagnon discloses an audio slide with slide components (Column 20, lines 34-36, Column 23, lines 36-41), the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio programs and the slide components or between each slide component a channel and audio on the slider referencing multiple audio programs and the description to select a program from the slider or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 23, lines 36-40, Column 20, lines 34-67, Column 21, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Terasawa to include the textual description of the slide components includes a description about a bidirectional transition between the multiple original audio/video programs and the slide components (Column 20, lines 34-67, Column 21, lines 1-5) as taught by Gagnon in order to for the user to move more quickly and efficiently through the guide and for the user to more than one way to select a program to view (Figure 2a, Column 3, lines 13-21) as disclosed by Gagnon.

Regarding Claims 12, 21, 37 and 44, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses the slide components of the audio/video slide are reduced temporal segments included in the original audio/video programs (Figure 4, Figure 5, Figure 7, Figure 39, S73). Microsoft Press 3<sup>rd</sup> edition Computer Dictionary defines file as: a complete, named collection of information, such as program, asset of data used by a program or a user created document, a file is a basic unit of storage that enables a computer to distinguish one set of information from another. Therefore, Terasawa discloses the reduced temporal segment or frame is a separate file as each segment is for one program, and a set of files is described sequentially or each segment is a separate file that is described sequentially from the title bar (Figure 4, Figure 5, Figure 7, Figure 39, S73, Figure 36).

Regarding Claims 13, 22, 38 and 45, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses wherein the slide components of the audio/video slide are reduced temporal segments included in the original audio/video programs, a set of segments is integrated as one composite file or one segment or frame is one file (Figure 39, S73, Figure 23, 35a), and the individual segments of the composite file are described sequentially in title bar (Figure 4, Figure 5). See rejection of Claims 12 and 21.

Regarding Claims 14, 23, 39 and 46, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses the textual description about the transition between the original programs and the slide components further includes a description about an identifier of the original programs to

which the slide components correspond via the title bar (Figure 4, Figure 5, Figure 7, Figure 36, Figure 40, Column 19, line 15). Gagnon discloses the textual description about the bidirectional transition between the original programs and the slide components via the slider or tuning bar or displaying the program and the viewing the slider to choose another program (Figure 2a, Figure 2b, Column 20, lines 34-67, Column 21, lines 1-5, Column 23, lines 36-41).

Regarding Claims 16, 25, 40 and 47, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses it is possible to transfer from playback of the audio/video slide to playback of the original audio/video programs relating to the slide components of the audio/video slide (Column 6, lines 6-13, Column 16, lines 14-25), and it is also possible to transfer reversely from playback of original audio/video programs to playback of the audio/video slide (Column 6, lines 6-13, Column 16, lines 14-25).

Regarding Claims 17, 26, 41 and 48, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses it is possible to display attribute data describing the corresponding original audio/video programs by using description data of audio/video slide components during playback of an audio/video slide or title bar can be displayed during playback (Figure 3, Figure 4, Figure 5).

Regarding Claims 18, 27, 42 and 49, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses that corresponding original audio/video programs is played by using description data of the

audio/video slide components during playback of an audio/video slide (Column 6, lines 6-13, 23-34, Column 19, line 15, Column 16, lines 14-25, Figure 4, Figure 36, Figure 39, Figure 40).

Regarding Claims 28, 29, 50 and 51, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses the temporal description allows for a transition from each slide component to a beginning of each corresponding original audio/video program of which each slide component is a reduced temporal segment (Figure 4, Column 9, line 15, Column 6, lines 6-13, 23-34) as it is known in the art if all programs start at 7:00 then a selection of a program at 7:00 from the slide component will transition to the beginning of each corresponding audio video program for the benefit of a user watching a program from the beginning. Terasawa discloses wherein the temporal description including the time of the program and its corresponding original audio/video program (Figure 4, Figures 5-7) allows for a transition from each original audio/video program to a beginning of each slide component which is a reduced temporal segment of each sequentially next original audio/video program or after the program selected is displayed there is a reduced temporal segment in the slide for each sequentially next original audio/video program for instance after a 7:00 program is selected for viewing such as World News (Figure 8), after the program is displayed World Sport will be the next reduced temporal segment (Figure 4, Figure 8, Figure 35). Gagnon discloses the slider remains in display while watching the selected program (Column 20, lines 34-67, Column 21, lines 1-5, Figure

2A, Figure 2B). Gagnon discloses audio programming slide components on the slide (Column 23, lines 36-41, Column 20, 34-36).

Regarding Claims 30, 32, 52 and 54, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses wherein slide components are sequentially playable or reduced temporal segments that are sequential order can be displayed on the data stream (Figure 4, Column 19, lines 44-56, Figure 35, Figure 40).

Regarding Claims 31, 33, 53 and 55, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses wherein slide components are non-sequentially playable or reduced temporal segments that are non-sequential order can be displayed on the data stream as programs out of order in time or channel can be scrolled through and displayed at the same time (Figure 36, Figure 4, Column 19, lines 44-56).

Regarding Claims 34, 35, 56 and 57, Terasawa and Gagnon disclose all the limitations of Claims 10, 19, 36 and 43 respectively. Terasawa discloses the slide comprises at least one segment or single frames from each of the multiple compressed or uncompressed original audio/video programs (Figure 4, Figure 36, Figure 4).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FARZANA HOSSAIN whose telephone number is (571)272-5943. The examiner can normally be reached on Monday-Friday 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH  
July 28, 2009

/Joseph G Ustaris/  
Primary Examiner, Art Unit 2424